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10 PRINCIPAL LIFE INSURANCE CO. and
11 TARGET CORPORATION

12 UNITED STATES DISTRICT COURT
13
14 NORTHERN DISTRICT OF CALIFORNIA
15
16 SAN JOSE DIVISION

17 DON BORG,

18 Plaintiff,

19 v.

20 PRINCIPAL LIFE INSURANCE CO.,
21 TARGET CORPORATION, and DOES 1
22 through 20, inclusive,

23 Defendants.

Case No. C-07-03149-HRL

[Hon. Howard R. Lloyd]

**DECLARATION OF EVA K.
SCHUELLER IN SUPPORT OF
DEFENDANTS' MOTION
PURSUANT TO CIVIL L.R. 79-5(b)
TO FILE DOCUMENTS UNDER
SEAL IN CONNECTION WITH
MOTION TO DISMISS**

Date: October 2, 2007

Time: 10:00 a.m.

Location: Courtroom 2

1 I, Eva Schueller, declare as follows:

2 1. I am an associate with the law firm of Morrison & Foerster LLP, counsel of record
3 for Defendants Principal Life Insurance Co. and Target Corporation in the above-entitled action.
4 I make this declaration based on my personal knowledge and in support of Defendants'
5 Administrative Motion for Leave to File Documents Under Seal. If called as a witness, I could
6 and would testify to the following facts.

7 2. I submit this declaration pursuant to Civil L.R. 79-5(b) to establish the sealability of
8 Exhibits C and H to the Declaration of Geoffrey Graber in Support of Defendants Motion to
9 Dismiss ("Graber Declaration").

10 3. Exhibit H to the Graber Declaration consists of the confidential settlement agreement
11 executed by the parties to this action in an earlier action captioned *Borg v. Principal Life Ins. Co.*
12 *and Target Corp.*, Case No. CV 05-05295 HRL (N.D. Cal.). The settlement agreement contains
13 confidential information regarding the litigation settlement negotiations, settlement terms and
14 privileged communications.

15 4. Exhibit C is an email from the parties' court-appointed mediator, Michael E.
16 Dickstein, to Geoffrey Graber, which mentions the confidential terms of the settlement
17 agreement.

18 5. In addition, public disclosure of the information contained in this settlement
19 agreement could injure Defendants in connection with settlement negotiations with other parties,
20 and would cause damage to Defendants' competitive position in the markets in which they
21 operate.

22 6. For all the foregoing reasons, I request that the Court permit the above mentioned
23 settlement agreement to be filed under seal.

24 I declare under penalty of perjury under the laws of the United States that the foregoing is
25 true and correct.

26 Executed on this 16th day of August, 2007 in San Francisco, California.

27 
28 Eva K. Schueller